

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mark B. Abelson et al.

Art Unit: 1614

Serial No: 10/762,201

Attorney Docket No. ORA-001.01

Filed: January 20, 2004

Examiner: Fay, Zohreh A.

For: *Combinational Use of Long-Acting and  
Short-Acting Anti-Histamines for Ocular  
Allergies*

**CERTIFICATE OF MAILING/TRANSMISSION**

I hereby certify that the correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 4, 2005.

*Kirsten Cote*  
Kirsten Cote

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION-DISCLOSURE STATEMENT**  
**UNDER CFR 1.97(c)(2)**

Examiner Fay:

Submitted herewith on Form PTO-1449 is a list of publications known to Applicants and/or their Attorney/Agent in compliance with the requirement of 37 C.F.R § 1.56 and 1.97 (c)(2). A copy of each listed reference is enclosed. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form 1449.

Applicants have listed dates of publication on the attached PTO-1449 for the cited documents based on information presently available to the undersigned. However, the listed publication dates should not be construed that the information in the cited documents was actually published or otherwise publicly available on the date indicated.

USSN: 10/762,201

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that each or all of the listed documents are material or constitute "prior art." Further, if the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Moreover, the Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Commissioner is authorized to charge the fee required with this submission from our **Deposit Account No. 06-1448, Reference ORA-001.01.**

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1294.

Respectfully submitted,

FOLEY HOAG



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Form PTO-1449

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**  
*(Use several sheets if necessary)*

Docket Number (Optional)

ORA-001.01

Application Number

10/762,201

Applicant

Mark B. Abelson et al.

Filing Date

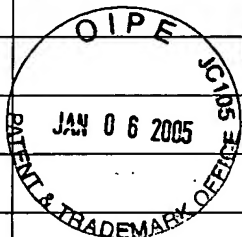
January 20, 2004

Group Art Unit

1614

**U.S. PATENT DOCUMENTS**

| EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|-----------------|------|------|-------|----------|-------------------------------|
|                     |                 |      |      |       |          |                               |
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**FOREIGN PATENT DOCUMENTS**

|  | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation |    |
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|  |                 |      |         |       |          | YES         | NO |
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**OTHER DOCUMENTS***(Including Author, Title, Date, Pertinent Pages Etc.)*

|          |                 |   |
|----------|-----------------|---|
|          | C4              | Berdy et al., (1991) "Allergic Conjunctivitis: A Survey of New Antihistamines," <i>Journal of Ocular Pharmacology</i> , Vol. 7: 313-324 |
|          |                 |   |
|          |                 |   |
| EXAMINER | DATE CONSIDERED |   |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.